

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JANUARY 21, 2009

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER

ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA_____**

CHIEF EXECUTIVE'S REPORT

SECTION I **PRESENTATION**
COMMUNICATION NO. 09-55

Mary Spangler, Coach, Kennedy Elementary School, requesting time on the 1/21/09 agenda for a presentation by the Rockin' Robots on the U.S. Mayors Climate Protection Agreement and also asking authorization for Chief Executive to sign the agreement.

SECTION II **PRESENTATION**
COMMUNICATION NO. 09-03

Ellen Crain requesting time on the 1/21/09 agenda to make a presentation regarding the progress on the Archive's second bond sale and construction of the Archives vault and rehabilitation of the existing building. **(Communication No. 09-03 being held in Committee of the Whole.)**

SECTION III PUBLIC HEARING

TO SOLICIT COMMENT CONCERNING THE ANNUAL UPDATE OF THE BUTTE-SILVER BOW TRANSIT PARATRANSIT PLAN. (Communication No. 09-16 being held in Committee of the Whole.) **Proof of publication**

SECTION IV

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 09-24 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into Change Order No. 4 for CDBG Butte Emergency Food Bank Rehab Project. **Recommendation: concur and place on file**
- 2. 09-25 Linda Sajor, Director, MIS, requesting authorization for Chief Executive to sign change order for electrical services upgrade contract. **Recommendation: concur and place on file.**
- 3. 09-26 Roger Ebner, DES, requesting approval to accept Montana Disaster and Emergency Services Grant and authorize Chief Executive to sign grant agreement. **Recommendation: concur and place on file.**
- 4. 09-27 Roger Ebner, DES, requesting authorization for Chief Executive to sign Professional Services Agreement with All Hands Consulting. **Recommendation: concur and place on file.**
- 5. 09-28 Suzan Maloney, Manager, authorization for Chief Executive to sign photocopier agreement from Empire Office Machines. **Recommendation: concur and place on file.**
- 6. 09-29 Dori Skrukrud, Assistant Director, Community Development, requesting time on 2/4/09 agenda to conduct a budget amendment public hearing. **Recommendation concur and hold in Committee of the whole.**
- 7. 09-30 Dan Foley, Commissioner District 9, requesting time on 2/4/09 agenda for Phyllis Ruana, Director, Animal Services, time on 2/4/09 agenda to make a presentation on the Animal Services Department. **Recommendation: concur and hold in Committee of the Whole.**
- 8. 09-31 Sally Hollis, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

10. 09-32 Sally Hollis, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
11. 09-33 Bob Rowling, Park and Recreation Director, seeking modification of contract between city-county and John DeWitt, Pro Shop Manager, Highland View Golf Course. **Recommendation: concur and place on file.**
12. 09-34 Karen Byrnes, Community Development, requesting authorization for Chief Executive to execute Cooperative Agreement with the Environmental Protection Agency. **Recommendation: concur and place on file.**
13. 09-35 Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign a contract with Robert Peccia and Associates for Engineering Design and Construction Observation Services. **Recommendation: concur and place on file.**
14. 09-37 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign agreement with Western Montana Mental Health Center. **Recommendation: concur and place on file.**
15. 09-38 Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to sign amendment with the CDBG-ED Program. **Recommendation: concur and place on file.**
16. 09-39 Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to sign contract with Montana Department of Commerce, Big Sky Trust Fund Economic Development Fund for Improvements to MERDI Data Center. **Recommendation: concur and place on file.**
17. 09-40 John Morgan, Commissioner District 3, regarding request of Pastor Russ Koch, Assembly of God Church, for flashing Lights at crosswalk in front of the church (2055 Florence Avenue). **Recommendation: refer to Public Works Department.**
18. 09-41 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to Sign contract with DNRC. **Recommendation: concur and**

place on file.

19. 09-42 Dawn Silk, Water Division Accountant, requesting authorization for Chief Executive to sign agreement for extension of water service plan for Albert Vander Linde. **Recommendation: refer to Public Works Committee.**
20. 09-43 Rick Larson, Director of Public Health, requesting authorization for Chief Executive to sign contracts with various entities. **Recommendation: concur and place on file.**
21. 09-44 Karen Byrnes, Community Development Department, requesting public hearing be set for 2/4/09 to adjust budget authority to account for an increase of grant funds for Butte Native Plant Propagation Nursery Program. **Recommendation: concur and hold in Committee of the Whole.**
22. 09-46 Paul Babb, Chief Executive, requesting concurrence in appointment of Steve Huntington to Butte-Silver Bow Archives Board. **Recommendation: concur and place on file.**
23. 09-47 Paul Babb, Chief Executive, requesting concurrence in re-appointments to Anaconda/Arco Loan Committee. **Recommendation: concur and place on file.**
24. 09-49 Rob Macioroski, Land Records Department, requesting approval of sale and authorization of preparation of a resolution of sale of vacant lands in 1100 block of Caledonia Street. **Recommendation: concur and place on file.**
25. 09-50 Rob Macioroski, Land Records Department, requesting approval of sale and authorization of preparation of a resolution of sale of vacant lands in 400 block of E. Park Street. **Recommendation: concur and place on file.**
26. 09-51 Stephen D. Hess, Acting Planning Director, requesting public hearing be scheduled for 1/28/09 to hear public comment on proposed test amendments to the subdivision regulations of the city and county of Butte-Silver Bow. **Recommendation: concur and hold in Committee of the Whole.**
27. 09-52 Dan Dennehy, Interim Public Works Director,

requesting time on the 2/4/09 agenda to conduct a bid opening for 2009 construction season asphalt supply.

Recommendation: concur and hold in Committee of the Whole.

- 28. 09-53 Dan Dennehy, Interim Public Works Director, requesting authorization for Chief Executive to enter into agreement with Northwest Pipe Fittings, Inc. for purpose of providing materials for the Big Hole Transmission Main Line. **Recommendation: concur and place on file.**
- 29. 09-54 Paul Babb, Chief Executive, requesting concurrence in appointment of Roseanne Boyce to Butte-Silver Bow Public Library Board. **Recommendation: concur and place on file.**
- 30. 09-56 Karen Byrnes, Director Community Development Department, requesting Council schedule a Public Hearing 2/4/09 to receive comment to amend 2008-2009 Agenda to create budget authority for grant monies from Edward Byrne Memorial Justice Assistance Grant. **Recommendation: concur and hold in Committee of the Whole.**
- 31. 09-57 Rick Larson, Health Department Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 32. 09-58 Cindy Mc Ilveen, Planning Specialist, requesting public hearing be scheduled for 2/04/09 to solicit public comment on amendment to 2008-2009 budget for Natural Resources Damage Program. **Recommendation: concur and hold in Committee of the Whole.**
- 33. 09-59 Cindy Mc Ilveen, Planning Specialist, requesting public hearing be scheduled 2/4/09 to solicit comment on amendment to 2008-2009 budget for Natural Resources Damage Program. **Recommendation: concur and hold in Committee of the Whole**
- 34. 09-61 Roger Ebner, DES, requesting approval to apply for FEMA ECO Grant. **Recommendation: concur and place on file.**
- 35. 09-62 Thomas M. Malloy, Reclamation Manager, requesting

authorization for Chief Executive to enter into Access agreement and Release of Claims with MSE Technology Applications. **Recommendation: concur and place on file.**

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-45 Mark Moodry, Commissioner District 7, requesting authorization for hiring Mr. J. D. Lynch as Butte-Silver Bow's lobbyist for 2009 Montana Legislative Session.
2. 09-48 Paul Babb, Chief Executive, requesting concurrence in appointment of Dan Dennehy as the Public Works Director.
3. 09-60 Dave Palmer, Council Chairman, requesting Chief Executive to appoint an Ad Hoc Committee to research possible solutions to vandalism and theft.

SECTION VI ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 09-4

A RESOLUTION CALLING FOR AN IMPROVED NATIONAL ENERGY POLICY FOR THE 21ST CENTURY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

2. COUNCIL RESOLUTION NO. 09-6

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF UNDEVELOPED EAST GALENA STREET AND THE ALLEY WITHIN LOTS ON YELLOW JACK LODE IN BLOCK 3 AND A PORTION OF OHIO AVENUE IN BLOCK 7 OF THE KINGS ADDITION NO. 2 TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

3. COUNCIL RESOLUTION NO. 09-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE EAST 56.5 FEET OF LOT 50 OF THE LIZZIE LODE, AN UNFILED PLAT, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY

THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN
EFFECTIVE DATE HEREIN

**SECTION VII ORDINANCES AND RESOLUTIONS –
SECOND READING**

**1. COUNCIL BILL NO. 08-9
ORDINANCE NO. 08-**

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW
ORDINANCE NO. 134 AND SECTION 204.010 (c) OF THE BUTTE-SILVER
BOW MUNICIPAL CODE (B-SB); ADJUSTING THE ANNUAL SALARY OF
THE SHERIFF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VIII ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 08-100

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND
ABANDONING THAT PORTION OF THE ALLEY WITHIN BLOCK 1 OF
THE TRASK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-
SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE
DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS
HEREIN.

2. COUNCIL RESOLUTION NO. 08-101

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR
AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY
SCHEDULED MEETING OF THE COUNCIL IN ACCORDANCE WITH
SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE
TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT
DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE
TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED
ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS AND
PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 09-2

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR
AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY
SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN
ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING
UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CLERK AND
RECORDER'S OFFICE, ELECTIONS BUDGET, FROM THE MONTANA

SECRETARY OF STATE FOR ELECTION JUDGE REIMBURSEMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 09-3

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF.

**SECTION IX ORDINANCES AND RESOLUTIONS
SUSPENSION OF THE RULES**

1. COUNCIL RESOLUTION NO. 09-5

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HARD ROCK ECONOMIC DEVELOPMENT FUND TO BE EXPENDED FOR THE PURPOSE OF ECONOMIC DEVELOPMENT WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW.

SECTION X CALENDAR OF OTHER MEETINGS AND EVENTS

Jan. 28	Local Emergency Planning Committee	Noon	1 st Floor Conference Room
Jan. 28	Port of Montanan	Noon	Hub Center
Jan. 28	TIFID Board	11AM	Business Development Center
Jan. 28	URA Revitalization	9AM	1 st Floor Conference Room
Jan. 29	Planning Board	7PM	Council Chambers
Feb. 2	Airport Authority	Noon	Bert Mooney Airport
Feb. 3	Weed Board	7PM	Weed Department
Feb. 3	Historic Preservation Commission	5:30PM	1 st Floor Conference Room
Feb. 4	Fire Advisory Council	5PM	1 st Floor Conference Room
Feb. 4	Health Department	7AM	Health Department
Feb. 4	Butte Aids Support Services	7PM	Community Center
Feb. 5	Civic Center	5PM	Civic Center Hospitality Room

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT
JANUARY14, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE
SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 08-274**

Jon Sesso, Planning Director, requesting time on 4/16/08 for a staff presentation on draft plan for long-term future of the Natural Resource Damage Program.

Committee recommends that Communication No. 08-274 be placed on file.

SECTION II **COMMUNICATION NO. 08-722**

Charlie O’Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance.*

SECTION III

COMMUNICATION NO. 08-733

Mollie A. Mafei, Deputy County, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of the City-County's Open Space Plan. ***Committee recommends that Communication No. 08-733 be held in abeyance.***

SECTION IV

COMMUNICATION NO. 08-769

Liz Smith, Chairperson Montana Sled Dog, Inc., requesting time on agenda for a presentation about the 24th Annual Race to the Sky Sled Dog Event scheduled for 2/12/09.***Committee recommends that Communication No. 08-769 be held in abeyance.***

SECTION V**COMMUNICATION NO. 08-790**

Alex Philp, Rocky Mountain Supercomputing Center, Inc., requesting approval of funding request of \$380,000.00. *Committee recommends that Communication No. 08-790 be placed on file.*

SECTION VI**COMMUNICATION NO. 08-791**

Rob Macioroski, Director Land Office, requesting Council direct County Attorney to prepare a resolution and deed for transfer of county-owned property to Killgore Development, LLC. *Committee recommends that Communication No. 08-791 be held for resolution and deed transfer.*

SECTION VII**COMMUNICATION NO. 08-794**

Judy Kruzich, Chairperson Butte-Silver Bow Animal Shelter Board, requesting Council help in the disbursement of Samie Keith Estate to the Butte-Silver Bow Humane Society, 699 Centennial Avenue. *Committee recommends that Communication No. 08-794 be placed on file.*

SECTION VIII**COMMUNICATION NO. 08-797**

Robert A. Macioroski, Director Land Office, requesting County Attorney be directed to prepare a resolution and documentation for transfer of storm sewer easement from Mary Antonioli. *Committee recommends that Communication No. 08-797 be held for resolution and easement transfer.*

SECTION IX**COMMUNICATION NO. 08-801**

Ellen Donohue, Attorney Montana Legal Services Association, requesting Council renew the lease on the Jacobs House for six years. *Committee recommends that Communication No. 08-801 be held in abeyance.*

SECTION X**COMMUNICATION NO. 08-805**

Karen Byrnes, Director of Community Development, requesting permission to hold a public hearing 1/7/09 regarding the addition of unanticipated revenue to the 08-09 Budget. *Committee recommends that Communication No. 08-805 be placed on file.*

SECTION XI**COMMUNICATION NO. 08-812**

Dan Dennehy, Interim Public Works Director, requesting time on 1/7/09 agenda to conduct a bid opening for one (1) new 2008-2009 tandem axle dump truck for the Water Division. *Committee recommends that Communication No. 08-812 be placed on file.*

SECTION XII**COMMUNICATION NO. 09-03**

Ellen Crain, Director Butte-Silver Bow Archives, requesting to make a presentation to the Council of Commissioners January 21, 2008. *Committee recommends that Communication No. 09-03 be held for presentation.*

SECTION XIII**COMMUNICATION NO. 09-13**

Ellen Crain, Archives Director, requesting authorization for Chief Executive to sign contract with George Everett of Outback Ventures for web page support services. *Committee recommends that Communication No. 09-13 be denied and placed on file.*

SECTION XIV**COMMUNICATION NO. 09-16**

Gary Keeler, Transit Director, requesting time on 1/21/09 agenda to conduct a public hearing regarding the update to Butte-Silver Bow's Paratransit Plan. *Committee recommends that Communication No. 09-16 be held for public hearing.*

**FINANCE & BUDGET COMMITTEE MEETING
REPORT
JANUARY 14, 2009**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I

Mary M. Mahon, Clerk and Recorder, requesting approval of line item budget transfer. *Committee recommends approval and place on file.*

SECTION II **COMMUNICATION NO. 09-12**

Roger Ebner, DES, requesting approval of line item budget transfers *Committee recommends approval and place on file..*

SECTION III

Rob Macioroski, Director Land Records, requesting approval of line item budget Transfers. *Committee recommends approval and place on file.*

SECTION IV

COMMUNICATION NO. 09-19

Roger Ebner, Disaster and Emergency Services, requesting authorization for Chief Executive to issue and release payment to Dunne Communications for Biannual Maintenance Services. ***Committee recommends hold in abeyance pending contract review of County Attorney.***

SECTION V COMMUNICATION NO. 09-20

Jon Sesso, Planning Director, requesting approval of line item budget transfers.
Committee recommends approval and place on file.

SECTION VI EXPENDITURE REPORT

1/7/09

\$707,784.56

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 14, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 08-707

Barb Skelton, requesting authorization for Chief Executive to sign resolution calling for an Improved National Energy Policy for the 21st Century. *Committee Recommends that Communication No. 08-707 be held in abeyance.*

SECTION II COUNCIL RESOLUTION NO. 09-2

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CLERK AND RECORDER'S OFFICE, ELECTIONS BUDGET, FROM THE MONTANA SECRETARY OF STATE FOR ELECTION JUDGE REIMBURSEMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 09-2 be moved to final reading.*

SECTION III COUNCIL RESOLUTION NO. 09-3

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF. *Committee recommends that Council Resolution No. 09-3 be moved to final reading*

SECTION IV CLAIM APPROVAL

4292	RDB Properties, LLC	\$8,767.78	Redeem Tax Assignment
4293	Teridee Knoll	3,564.76	Redeem Tax Assignment
5123	Janis Woodards	625.00	Weed Bond refund
5283	Humana Health Care Plans	1,879.87	Refund for overpayment

Committee recommends approval of all of the above claims

SECTION IV

COMMUNICATION NO. 08-634

Tony Schoonen, Chairman Homeowners Association, requesting council designate the Dawson Loop Road as a public right of way. *Committee recommends that Communication No. 08-634 be placed in Suspense File for 6 months.*

SECTION V

COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. *Committee recommends that Communication No. 08-738 be held in abeyance.*

SECTION VI

COMMUNICATION NO. 08-747

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns – Caledonia Street to Western Street. *Committee recommends that Communication No. 08-747 be held in abeyance.*

